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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 13

Application Number: 09/342,765

Filing Date: June 29, 1999

Appellant(s): MATZ ET AL.

Fred G. Pruner, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 03/30/04.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The

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Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-9, 12-15, 16-19; 21-29; 30 and 31; and 20 do not stand or fall together and provides reasons (brief, pages 15, statement).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,188,401 B1	PEYER	2-2001
5,572,643	JUDSON	11-1996
6,225,993	LINDBLAD	5-2001

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Peyer, US Patent Number 6,188,401.

Peyer teaches an article including one or more machine-readable storage media storing instructions for presenting audio/video data, the instructions are executed causing a system to generate an interface, wherein the interface is created by a scripted markup language file. Peyer teaches this on Col. 1, lines 64-67: "... the user interface is implemented using individual HTML (hypertext markup language) components in conjunction with a global script written in a popular scripting language such as JavaScript. Peyer also teaches a manner to receive multimedia data from a source and display information associated with the multimedia data in the interface of the browser as described in Col. 6, lines 26-34, where the multimedia data in the form of video content is downloaded and displayed in a browser instance. Peyer also teaches this in Col. 3, lines 30-39.

2. Claims 1-3, 5-7, 9-14, 16-19 and 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judson, US Patent Number 5,572,643 and Peyer, US Patent Number 6,188,401.

Regarding claim 1, in his invention, Judson teaches us in the abstract that his invention provides a "...method of browsing the Worldwide Web of the Internet using an HTML-compliant client supporting a graphical user interface and a browser". The abstract discloses that the a system comprised of a browser having a user interface as well as a markup language, in this

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case HTML or Hypertext Markup Language. Similarly, Judson also teaches that his system is capable of displaying information objects which includes "...any and all forms of messages, notices, text, graphics, sound, video, tables, diagrams, applets and other content, and combinations of any of the above" as stated on Col. 7 lines 41-44, analogous to the claim's reference to multimedia data. Finally, Judson makes mention of script handler as mentioned as "support for platform-independent object (e.g. applets written in JavaScript, from Sun Microsystems)" on Col. 8, lines 1-2, analogous to the claimed invention's reference to a script handler. However, while Judson teaches a source containing multimedia, a browser having a user interface and a script handler that is executable, he fails to explicitly teach that the script handler executable can process multimedia data received from the source of the presentation. However, Peyer teaches a script handler executable to process multimedia data from the source for presentation to the computer interface, such as a browser interface. As Peyer describes in the invention a method of using a global script to "to create appropriate user interface displays in response to system events. Peyer also teaches that the user interface is implement using "In particular, the user interface is implemented using individual HTML (hypertext markup language) components in conjunction with a global script written in a popular scripting language such as JavaScript" as described in the last 4 lines of column 1. Furthermore, Peyer teaches that a global script 106 as seen in figure 3 as well as on Col. 7, lines 14-25 that the web browser uses JavaScript at run time. JavaScript is also discussed on Col. 4, lines 12-16, where it is clear that it is used for multimedia data to be presented within a web browser environment. It is evident that the script handler is used to create a user interface in a browser, where a scripted markup language file creates the interface. Thus, it would have been obvious to one of ordinary skill in

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the art to modify the system comprising a source containing multimedia data and a browser having a user interface, along with a markup language file associated with a script handler of Judson to include the script handler executable used to process multimedia data received from a source for presentation within a web browser of Peyer to obtain a system comprising a source containing multimedia data and a browser having a user interface, along with a markup language file associated with a script handler executable, used to process multimedia data received from a source for presentation within a web browser. One of ordinary skill in the art would have been motivated to modify the system comprising a source containing multimedia data and a browser having a user interface, along with a markup language file associated with a script handler of Judson to include the script handler executable used to process multimedia data received from a source for presentation within a web browser of Peyer in order to provide dynamic content control of multimedia files within a web browser interface.

Regarding claim 2, with respect to claim 1 above, Judson discloses the web browser system as described in claim 1 above wherein the system makes use of a markup language file in the form of Hypertext Markup Language file or HTML where the system consists of "...conventional HTML and enhancements thereto..." as mentioned in Col. 7, line 61.

Regarding claim 3, with respect to claim 1 above, Judson discloses a web browser system described in claim 1 above wherein the source of multimedia data for the web browser system includes a compact disc drive, mentioned as part of the system: "The CD ROM 42, also coupled to the system bus 131, is used to store a large amount of data..." (Col. 4, lines 22-23)

Regarding claims 5, 6, and 7, while Judson and Peyer teach a web browsing system as described in claim 1, they fail to explicitly teach the use of a control module adapted to provide

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an interface to the source, wherein the control module includes an ActiveX component that is capable of interfacing with a browser. However, Peyer teaches control module adapted to provide an interface to the multimedia source through an ActiveX component as described on Col. 6, lines 26-35. It is clear that a control module is adapted to the provided to an interface to the source, where the control module includes an ActiveX component. It is also clear that the ActiveX component is capable of interfacing with the browser, as described above. Thus, it would have been obvious to one of ordinary skill in the art to modify the web browser system of Judson and Peyer to include the ActiveX control component that interfaces with a web browser of Peyer to obtain a web browsing system that includes an ActiveX control component that interfaces with a web browser. One of ordinary skill in the art would have been motivated to modify the web browsing system of Judson and Peyer to include the ActiveX control component that interfaces with a web browser in order to provide a dynamic manner to view video content that can be download as Web content or obtained locally.

As claims 21-27 are analyzed as previously discussed with respected to claims 1-3 and 5-7 above.

Regarding claims 9 and 29, Judson discloses in his web browser system that it is capable of displaying information associated with multimedia information within the user interface. In figure 5 of Judson, the browser system displays information associated with an image file being transmitted (as seen on the bottom of the browser interface) in this case the number of bytes associated with the multimedia file: "Transferred 6656/18318 bytes (36%) of inline image lehman4.gif". Thus, claim 9 is rejected as being anticipated by Judson.

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Regarding claims 10 and 30, Judson teaches a web browsing system comprising a source containing audio/video data, a browser having a user interface and a file associated with predetermined instructions. Judson first teaches a source containing audio/video data, where these sources are taught in the form of information objects, as described in Col. 7, lines 39-44. Next, Judson also discloses a web browser having a user interface, as seen in Figures 4 & 5 as well as described on Col. 6, lines 13-24. Finally, Judson teaches a file associated with predetermined instructions, in the form of an HTML file, as described in the abstract as well as described on Col. 3, lines 58 to Col. 4 line 4 as well as Col. 5, lines 17-40. Judson teaches that the HTML file has predetermined instructions to provide documents with formatting and connection to links to other servers and files and it is clear that the file is loadable by the browser. However, while Judson teaches this, he fails to explicitly teach have the instructions executable to display information associated with audio/video data in the source. Peyer, however, teaches in his invention instruction to display information associated with audio/video data in the source. Peyer describes on Col. 1, lines 64-67 that the user interface uses a web browser architecture in implement "individual HTML (hypertext markup language) components in conjunction with a global script written in a popular scripting language such as JavaScript." Furthermore, Peyer estates that JavaScript can allow designer to multimedia and animation as described in Col. 4, lines 12-16. This is further described in Col. 3, lines 48-56 where the target of hyperlink can include audio segments and in Col. 6, lines 26-24, where video content can be viewed using a browser instance. Thus, it would have been obvious to one of ordinary skill in the

art to modify the web browsing system of Judson and Peyer to include the ability for a file with predetermined instruction to display information associated with audio/video data in the source of Peyer to obtain a web browsing system with the ability for a file with predetermined instructions to display information associated with audio/video data in the source. One of ordinary skill in the art would have been motivated to modify the web browsing system of Judson and Peyer to include the predetermined instructions to display information associated with audio/video data in the source in order to provide a manner to view audio/video data and information associated with it within a web browser.

Regarding claim 11, with respect to claim 10 above, Judson discloses a method used to display information regarding the status of a source. As mentioned in the rejection of claim 9 above, Judson describes a web browser system capable of displaying information including the status of the multimedia data source. In figure 5 of Judson, the browser system described displays information associated the status of the image file being transmitted (as seen on the bottom of the browser interface) in this case the number of bytes associated with the multimedia file: "Transferred 6656/18318 bytes (36%) of inline image lehman4.gif".

3. Regarding claim 12, Judson discloses a method for displaying information associated with multimedia data in his browser system. Judson discloses a system comprised of a browser having a user interface as well as a markup language, in this case HTML and it is clear that the markup language file is loaded by the web browser system (see Judson abstract). Similarly, Judson also teaches that the information objects disclosed in his invention include "...any and all forms of messages, notices, text, graphics, sound, video, tables, diagrams, applets and other

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content, and combinations of any of the above” as stated on Col. 7 lines 41-44, analogous to the proposed invention’s reference to multimedia data. Next, Judson mentions the use of a script handler in the form of “...support for platform-independent object (e.g. applets written in JavaScript, from Sun Microsystems)” on Col. 8, lines 1-2, analogous to the claimed invention’s reference to a script handler. Finally, regarding the display of information associated with multimedia data, as seen the rejection of claim 9 above, Judson describes a web browser system capable of displaying information including the status of the multimedia data source. In figure 5 of Judson, the browser system displays information associated the status of the image file being transmitted (as seen on the bottom of the browser interface) in this case the number of bytes associated with the multimedia file: “Transferred 6656/18318 bytes (36%) of inline image lehman4.gif”. However, while Judson teaches this, he fails to explicitly teach loading a markup language associated with a script handler, as well as invoking a script handler to create a user interface in a browser. However, Peyer teaches both of these as described in his invention. First, it is clear that the markup language file is loaded in a web browser, as described in Col .1, lines 60-65, and Peyer also indicates the user interface is implemented using HTML files or markup language files “in conjunction” or associated with a script handler such as JavaScript. Thus, it would have been obvious to one of ordinary skill in the art to modify the web browsing system of Judson to include the script handler used to create a user interface within a browser, where a markup language file would be loaded with an associate script handler of Peyer to obtain a web browsing system with a script handler used to create a user interface within a browser, where a markup language file would be loaded with an associated script handler. One of ordinary skill in the art would have been motivated to modify the web browsing system of Judson to include the

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script handler used to create a user interface within a browser, where a markup language file would be loaded with an associate script handler of Peyer in order to provide a web browsing system where multimedia as well as a user interface within a web browser, enabling the user to view relevant multimedia data and associated information based upon dynamic scripting of the user interface at browser runtime.

Regarding claims 13 and 14, while Judson and Peyer teach a web browsing system as described in claim 12 above, they fail to explicitly teach accessing media data stored in a storage source through an ActiveX control module. However, Peyer teaches this on Col.6, lines 26-34, where media data such as video content stored in a storage source is accessed using an ActiveX component. Thus, it would have been obvious to one of ordinary skill in the art to modify the web browsing system of Judson and Peyer to include the ActiveX control module component used to access multimedia data of Peyer to obtain a web browsing system with an ActiveX control module component used to access multimedia data. One of ordinary skill in the art would have been motivated to modify the web browsing system of Judson and Peyer to include the ActiveX control module component with access to multimedia data of Peyer to obtain a system of web browsing that allowed dynamic access to multimedia data such as video content through a web browser.

Regarding claim 16, with respect to claim 12 above, it is clear that Judson teaches a method of displaying multimedia data such as text, images and video as described in Col. 7, lines 18-25 and 39-44, comprising, loading a markup language file into a browser, as described in the abstract as well as Col. 5, lines 45-49 & Col. 3, lines 60-66, and receiving multimedia data from a source, in the form of an information object also described in Col. 3, lines 60-66. However,

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while Judson teaches this, he fails to explicitly teach creating an interfaced in the browser based on instructions associated with the file and displaying information associated with the multimedia data in the browser interface. Peyer, however, teaches this in his invention, where he teaches of a script associated with a file in browser used to create an interface of a browser as described in Col. 1, lines 64-67. Also, Peyer teaches displaying information associated with multimedia data in the browser interface as described on Col. 4, lines 12-16 and Col. 6, lines 26-34. Thus, it would have been obvious to one of ordinary skill in the art to modify the web browsing system of Judson to include the ability to create an interface in a browser based upon HTML and JavaScript instructions and displaying information associated with multimedia data in the browser interface to obtain a web browser with the ability to create an interface within a browser based upon HTML and JavaScript instructions as well as display information associated with multimedia data in the browser.

Regarding claim 17, with respect to claim 16 above, Judson discloses the web browser system as described in claim 1 above wherein the system makes use of a markup language file in the form of Hypertext Markup Language file or HTML where the system consists of "...conventional HTML and enhancements thereto..." as mentioned in Col. 7, line 61.

Regarding claims 18 and 19, while Judson and Peyer teach a web browsing system as described in claim 16 above, they fail to explicitly teach accessing media data stored in a storage source through an ActiveX control module component. However, Peyer teaches this on Col.6, lines 26-34, where media data such as video content stored in a storage source is accessed using an ActiveX component. Thus, it would have been obvious to one of ordinary skill in the art to modify the web browsing system of Judson and Peyer to include the ActiveX control module

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component used to access multimedia data of Peyer to obtain a web browsing system with an ActiveX control module component used to access multimedia data. One of ordinary skill in the art would have been motivated to modify the web browsing system of Judson and Peyer to include the ActiveX control module component with access to multimedia data of Peyer to obtain a system of web browsing that allowed dynamic access to multimedia data such as video content through a web browser.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Judson and Peyer. Regarding claim 4, while Judson and Peyer mentions a web browser system similar in scope to claim 1, Judson does not explicitly mention making use of a digital video disc drive with the web browser system mentioned in claim 1. However, from Judson's invention it can be construed that his web browser system is used to open video, regardless of the medium on which the source file is located on, as long as it would allow for the "... 'information' [to be] output[ted] to the viewer ... cover[ing] all and any forms of messages, notices, text, graphics, sound, video, diagrams, applets and other content..." as previously mentioned on Col. 7, lines 39-44. Since digital video disk drive technology is notoriously well-known in the state of the art and its use is commonplace in most computing systems today, the examiner takes OFFICIAL NOTICE of the fact that this technology is well-known by one of ordinary skill in the art. It would have been obvious to one skilled in the art to the web browser of Judson and Peyer to include access to a digital video disk to obtain a web browser with access to multimedia data through a digital video disk. One skilled in the art would have been motivated to make use digital video disc drive as a source of multimedia output data to a web browser because a digital

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video disc drive provides larger capacity to store and retrieve multimedia data than the capacity provided by a compact disc drive.

5. Claims 8, 15 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judson, Peyer, and Lindblad et al, Patent Number 6,225,993, hereinafter referred to as Lindblad.

Regarding claim 8, while Judson and Peyer discloses a web browser system as mentioned in claim 8, Judson does not explicitly mention the user interface control components in the user interface of a web browser system, where a script handler responds to the activation of that particular user interface control component activation. Lindblad discloses a user interface control components including those used to control video bit stream as those described on col. 7, line 15-17 as "...virtual buttons, pull-down menus, virtual radio buttons, virtual check boxes and sliding scroll bars". It is clear that these control components receive interaction as described in Col. 3, lines 24-35 and it is clear that an underlying script handler would be triggered in order to respond to the activation of the user interface control components. It would have been obvious to one skilled in the art to combine the web browser system described above along with the user interface control components to obtain the proposed invention described in claim 8. One of ordinary skill in the art would have been motivated combine the user interface control components with script handler into the web browser invention in order to provide the user with a means to interact with the multimedia player such as pausing or playing the multimedia data. Thus, Claim 8 is rejected as the user interface includes control components which triggers the execution of a script handler based up the activation of a user interface control component.

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Regarding claim 15, as noted in claim 12 above, Judson and Peyer discloses a web browser system where the system allows access to information associated with multimedia data but does not explicitly mention user interface control components in the user interface of a web browser system with the ability to respond to the activation of a particular user interface control component. Lindblad discloses a user interface control components including those used to control video bit stream as those described on col. 7, line 15-17 as "...virtual buttons, pull-down menus, virtual radio buttons, virtual check boxes and sliding scroll bars"; it is also clear that these control components control a source containing the multimedia data, such as controlling the video bit stream of the video data file as described in Col. 3, lines 24-35. It would have been obvious to one skilled in the art to modify the web browser system of Judson and Peyer to include user interface control components of Lindblad to obtain a web browser system including one or more control components, further comprising receiving activation of user interface control components with script handler into the web browser invention in order to provide the user with a means to interact with the multimedia player such as pausing or playing the multimedia data. Thus, Claim 15 is rejected as the user interface includes control components which triggers the execution of a script handler based up the activation of a user interface control component.

(11) Response to Argument

At page 16, of the brief, appellant argues that the combination of Judson and Peyer fails to teach or suggest "a markup language file associated with a script handler and loadable by the browser, the script handler is executable to process multimedia data received from the source for presentation to the browser user interface" from Payer "generate an interface in a browser

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having a user interface to display a presentation of the multimedia data.” However, the limitations claimed as shown by the reference to Peyer, which states “The microprocessor of system box is programmed by means of programs and instructions stored at different times in the different computer-readable storage media of the system box. Programs are typically distributed, on floppy disks or CD-ROMs. From there, they are installed or loaded into the secondary memory of a computer. These various types of computer-readable storage media when such media contain instructions or programs for implementing the described steps in conjunction with a microprocessor or other data processor. The operating system is not the component that is most visible to a user. Rather, a supervisory computer application program supervises and manages most of the apparent functionality of system , such as network browsing, video or television viewing capabilities, and user interface functions. The supervisory application program is configured to startup automatically whenever system is turned on and used..” see Peyer col. 5, lines 17-65.

In response to applicant's argument on pages 17-19 and 21-22 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Judson teaches Internet using an HTML-compliant client supporting a graphical user interface scripting language such as JavaScript

used in combination of Peyer 's a script handler executable to process multimedia data from the source for presentation to the computer interface, such as a browser interface. One of ordinary skill in the art would have been motivated to modify the system comprising a source containing multimedia data and a browser having a user interface, along with a markup language file associated with a script handler of Judson to include the script handler executable used to process multimedia data received from a source for presentation within a web browser of Peyer in order to provide dynamic content control of multimedia files within a web browser interface. Accordingly, the global script and the various HTML components can communicate and interact with each other to produce a full and flexible user interface.

At page 19-20, of the brief, appellant argues that the combination of Judson and Peyer fails to teach or suggest "the browser having a user interface to display a presentation of the audio/video data; and a file is loadable by the browser". However, the limitations claimed as shown by the reference to Judson, which states "Judson describes a web browser system capable of displaying information including the status of the multimedia data source. In figure 5 of Judson, the browser system described displays information associated the status of the image file being transmitted (as seen on the bottom of the browser interface) in this case the number of bytes associated with the multimedia file: "Transferred 6656/18318 bytes (36%) of inline image lehman4.gif".

At pages 23-25, of the brief, appellant attempts to distinguish "an article including one or more machine-readable storage media storing instructions for presenting audio/video data, the

instructions are executed causing a system to generate an interface in a browser and displaying information with the multimedia data in the interface of the browser” from Peyer’s “the global script uses this capability to create user interface displays in response to system events”, arguing that Peyer fails to anticipate “present the multimedia in the browser”. This is anticipated as shown by the reference to Peyer, which states “the user interface is implemented using individual HTML (hypertext markup language) components in conjunction with a global script written in a popular scripting language such as JavaScript. Peyer also teaches a manner to receive multimedia data from a source and display information associated with the multimedia data in the interface of the browser as described in Col. 6, lines 26-59, where the multimedia data in the form of video content is downloaded and displayed in a browser instance. However, a system might be configured to allow Web viewing and access while also allowing the user simultaneously watch television.

(12) Conclusion

For the above reasons, it is believed that the rejections of claims 20 and is rejected under 35 U.S.C. 102(e) and claims 1-19 and 21-31 are rejected under 35 U.S.C 103(a) are proper should be sustained

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Respectfully submitted,

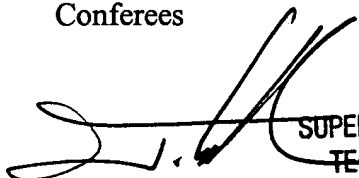


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